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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SFR INVESTMENTS POOL 1, LLC,

Plaintiff,

vs.

BANK OF AMERICA, N.A., SUCCESSOR BY
MERGER TO BAC HOME LOANS
SERVICING, LP FKA COUNTRYWIDE HOME
LOANS SERVICING, LP,

Defendant.

BANK OF AMERICA, N.A., SUCCESSOR BY
MERGER TO BAC HOME LOANS
SERVICING, LP FKA COUNTRYWIDE
HOME LOANS SERVICING,

Counterclaimant,

vs.

SFR INVESTMENTS POOL 1, LLC, LP

Counter-Defendant.

Case No. 2:19-cv-01534-JCM-DJA

**STIPULATION AND ORDER TO
REOPEN DISCOVERY**

(FIRST REQUEST)

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Defendant/Counterclaimant, BANK OF AMERICA, N.A., Successor by Merger To BAC Home Loan Servicing, LP, f/k/a Countrywide Home Loans Servicing, LP (**BANA**), by and through its attorneys of record, the law firms of GERRARD COX LARSEN and AKERMAN LLP, and Plaintiff/Counter-Defendant, SFR INVESTMENTS POOL 1, LLC (**SFR**), by and through its attorneys of record, the law firm of KIM GILBERT EBRON, subject to approval by the Court, stipulate to reopen discovery for a period of ninety (90) days and extend the scheduling order deadlines as set out below following this Court's Order granting SFR's Motion for Reconsideration [ECF No. 50]. This is the parties' first request to reopen discovery and second request for an extension of the scheduling order deadlines.

I. INTRODUCTION

This dispute pertains to a foreclosure sale conducted by HOA. The primary issue between SFR and BANA is whether BANA's deed of trust survived the foreclosure sale.

II. STATEMENT SPECIFYING THE DISCOVERY COMPLETED

On November 21, 2019, the court entered a stipulated discovery plan and scheduling order [ECF No. 19] and set the following deadlines:

- (a) Discovery cut-off: March 30, 2020.
- (b) Amending the pleadings and adding parties: December 31, 2019.
- (c) Interim status report: January 30, 2020.
- (d) Initial expert disclosures: January 30, 2020.
- (e) Rebuttal expert disclosures: March 2, 2020.
- (f) Dispositive motions: April 29, 2020.
- (g) Pre-trial order: May 29, 2020.

On March 18, 2020, the court entered a stipulation and order to stay case [ECF No. 32] which extended and reset the following deadlines:

- (a) Discovery cut off: July 28, 2020.

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(b) Dispositive motions: August 27, 2020.

(c) Pre-trial order: September 28, 2020.

The following discovery has been completed:

1. BANA served its initial disclosures on October 11, 2019.

2. SFR served its initial disclosures on November 13, 2019.

3. BANA served subpoenas duces tecum to the HOA and its collection agent (Terra West d/b/a Assessment Management Services) on November 18, 2019.

4. BANA served its expert witness disclosure on December 26, 2019.

5. SFR served its notice of deposition of BANA on February 25, 2020, setting the deposition for March 23, 2020. The deposition was vacated per notice served on March 20, 2020 as a result of the parties stipulating to stay the case [ECF No. 32].

6. BANA served its notice of deposition for the HOA on February 26, 2020, setting the deposition for March 13, 2020. The deposition of the HOA was conducted on March 13, 2020.

7. BANA served its notice of deposition for Terra West d/b/a Assessment Management Services on February 26, 2020, setting the deposition for March 16, 2020. This deposition was cancelled as a result of the witness suffering an injury.

8. SFR served its first set of requests for admission, first set of requests for production of documents, and first set of interrogatories to BANA on February 28, 2020.

9. BANA served its first set of requests for admission, first set of requests for production of documents, and first set of interrogatories to SFR on February 28, 2020.

10. BANA served its first supplement to initial disclosures on February 25, 2020.

11. BANA served its second supplement to initial disclosures on March 6, 2020.

12. BANA served its notice of deposition for SFR on March 6, 2020, setting the deposition for March 27, 2020. The deposition was vacated per notice served on March 25, 2020 as a result of the parties stipulating to stay the case [ECF No. 32].

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13. BANA served its third supplement to initial disclosures on March 10, 2020.

14. SFR served its notice of deposition for Rock K. Jung on March 13, 2020, setting the deposition for March 30, 2020. The deposition was vacated per notice served on March 27, 2020 as a result of the parties stipulating to stay the case [ECF No. 32].

15. SFR served its notice of deposition for Douglas E. Miles on March 13, 2020, setting the deposition for March 30, 2020. The deposition was vacated per notice served on March 27, 2020 as a result of the parties stipulating to stay the case [ECF No. 32].

16. BANA served its fourth supplement to initial disclosures on March 16, 2020.

17. BANA served its responses to SFR's first set of requests for admission, first set of requests for production of documents, and first set of interrogatories on June 3, 2020.

III. SPECIFIC DESCRIPTION OF THE DISCOVERY THAT HAS NOT BEEN COMPLETED

1. Deposition of FRCP 30(b)(6) witness for BANA.

2. Deposition of FRCP 30(b)(6) witness for SFR.

3. Deposition of FRCP 30(b)(6) witness for Terra West d/b/a Assessment Management Services.

4. Deposition of Douglas E. Miles, Esq.

5. Deposition of Rock K. Jung, Esq. or Paterno C. Juarani, Esq.

6. Supplemental Deposition of FRCP 30(b)(6) witness for the HOA.

7. SFR's responses to BANA's outstanding written discovery requests.

The parties reserve the right to participate in additional discovery during the current discovery period.

IV. REASON WHY EXTENSION IS REQUIRED

On October 3, 2019, BANA filed a Motion to Dismiss [ECF No. 9]. On October 24, 2019, SFR filed its Motion for Summary Judgment [ECF No. 13]. On November 15, 2019, BANA filed a

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1 Motion for Summary Judgment [ECF No. 17]. While all of the aforementioned Motions were
 2 pending before this Court, the parties diligently conducted discovery in this case.

3 On or about March 16, 2020, the parties stipulated to stay the case for 60 days due to
 4 COVID-19 and further stipulated to extend the discovery period an additional sixty (60) days, once
 5 the stay in the discovery period expired [ECF No. 31]. On March 18, 2020, this Court entered an
 6 Order [ECF No. 32] to that effect at which time discovery was stayed.

7
 8 On or about May 18, 2020, the stay in the discovery period expired pursuant to the March
 9 18, 2020 Order and discovery resumed in this case.

10 On June 11, 2020, this Court entered its Order granting summary judgment in favor of
 11 BANA [ECF No. 36] which ended discovery in this case. On July 3, 2020, Plaintiff SFR filed its
 12 Motion for Reconsideration of Order [ECF No. 38].

13 On February 1, 2021, this Court issued an Order granting SFR's Motion for Reconsideration
 14 [ECF No. 50] and ordered the parties to continue to conduct discovery.

15 The parties stipulate that a 90-day discovery period is necessary and adequate for the parties
 16 to fully investigated their defenses, depose any and all witnesses needed and any other witnesses
 17 that the parties may later find necessary to depose.

18
 19 **V. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING**
 20 **DISCOVERY**

21 The parties agree that discovery will be reopened for a period of ninety (90) days, and the
 22 scheduling order deadlines will be extended to the following:

- 23
 24 (a) Discovery cut-off: June 8, 2021.
 25 (b) Amending the pleadings and adding parties: None requested.
 26 (c) Interim status report: None requested.
 27 (d) Initial expert disclosures: None requested.
 28 (e) Rebuttal expert disclosures: None requested.

(f) Dispositive motions: July 8, 2021.

(g) Pre-trial order: August 9, 2021.

In addition, the parties agree that SFR shall have thirty (30) days from the date of entry of the Court's order granting this stipulation to serve its responses to BANA's outstanding first sets of written discovery requests.

DATED this 9th day of March, 2021.

GERRARD COX LARSEN

/s/ Douglas D. Gerrard, Esq.

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DATED this 9th day of March, 2021.

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DATED this 9th day of March, 2021

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ORDER

Based on the foregoing Stipulation by and between the signatories, and good cause appearing, **IT IS SO ORDERED:**



UNITED STATES MAGISTRATE JUDGE

DATED: March 10, 2021

Respectfully submitted by:

GERRARD COX LARSEN

/s/ Douglas D. Gerrard, Esq.

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